

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION
NO. 04-cv-10291-RWZ

JOHN F. RICHARDS,

Plaintiff,
v.

MASSACHUSETTS DEPARTMENT
OF CORRECTION, ET AL.,

Defendants.

**DEFENDANT DEPARTMENT OF CORRECTION, KATHLEEN DENNEHY
AND CAROL MICI'S MOTION FOR SEPARATE AND FINAL JUDGMENT**

Defendants Department of Correction, Kathleen Dennehy and Carol Mici, through counsel, respectfully move that this Court enter separate and final judgment on all claims against them in this action, pursuant to Federal Rule of Civil Procedure 54(b).

As grounds therefore, counsel for said defendants states as follows:

1. Plaintiff, a pro se inmate incarcerated at MCI Shirley, filed this lawsuit alleging that he has been injured since June of 2002, and that he has not been provided with adequate medical treatment for his injuries. He states that he "is not seeking money damages against the defendants listed in this action, however the Court needs to step in and help the plaintiff and order an independent investigation into the plaintiff's allegations." (Complaint, paragraph 18).
2. On or about April 30, 2004, the above named defendants filed a Motion to Dismiss and/or Motion for Summary Judgment, arguing, among other things, that plaintiff has failed to plead sufficient facts and allegations against Commissioner Dennehy or Superintendent Mici so as to support any causes of action against them.

3. On February 7, 2005, this Court allowed said defendants' Motion to Dismiss and/or Motion for Summary Judgment.
4. The aforesaid defendants respectfully request that this Court expressly determine that there is no just reason for delay and ALLOW defendants' Department of Correction, Kathleen Dennehy and Carol Mici's Motion for Separate and Final Judgment pursuant to Federal Rules of Civil Procedure 54(b).

Dated: February 17, 2005

Respectfully submitted,

NANCY ANKERS WHITE
Special Assistant Attorney General

/s/ Jody T. Adams

Jody T. Adams, Counsel
BBO No. 633795
Department of Correction
Legal Division
70 Franklin Street, Suite 600
Boston, MA 02110-1300
(617) 727-3300 x169

CERTIFICATE OF SERVICE

I hereby certify that on this date a true copy of the above document was served on the plaintiff (pro se) via first class mail and Charles Urso, Esq., counsel for David Stringham, electronically.

Dated: 2/17/05

/s/ Jody T. Adams

Jody T. Adams, Counsel